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## COMMITTEE ON DENTAL AUXILIARIES

Draft Minutes – January 26, 2005 Meeting

**Members Present:** Shanda Wallace, RDH, Chairperson, Linda Gipson, RDH, Secretary, Kevin Biggers, Public Member, Teresita Churchill, RDA, Darla Dale, RDH, Sonia Molina, DDS,

**Members Absent:** LaDonna Drury-Klein, Vice-Chair, Marlyn Hiroto, RDA, Coragene Savio, DDS

**Staff Present:** Karen R. Wyant, Executive Officer; Dyna Leonard, Associate Analyst; Norine Marks, DCA Legal Counsel; LaVonne Powell, DCA Legal Counsel; Lori Hubble, Staff Analyst, Donna Kantner, Staff

### 1. Call to Order/ Roll Call/ Establishment of Quorum

Chair Wallace called the meeting to order at 10:30am, Secretary Gipson called the roll, and a quorum was established.

### 2. Approval of August 18, 2004 Meeting Minutes

Chairperson Shanda Wallace noted that approval of the August 18, 2004 minutes had been held over due to a question regarding what Mr. Tim Hart of CDA had stated about Item 11, the RDHAP Prescription Requirement. She reported that upon reviewing the tape recording of the meeting, staff has found that the minutes were correct as presented, but have been amended as they appear on page 6, paragraph 2. Executive Officer Wyant clarified that an explanatory sentence was added from the tape recording to the original minutes, which were found to be correct. It was M/S/P (Biggers/Dale) that the August 18, 2004 meeting minutes be approved as amended.

### 3. Approval of November 3, 2004 Meeting Minutes

Jo Ann Galliano noted that on page 4, fourth paragraph, she represents CDHA not CDHEA. It was M/S/P (Biggers/Gipson) that the November 3, 2004 meeting minutes be approved as corrected.

### 4. Report of the Chair

Chair Wallace referred to Governor Schwarzenegger's State of the State address and the uncertainty regarding Boards and Committees, stating that we do not know where that will lead us but that COMDA will move forward and continue to complete the work that we have started. She thanked the audience for their input, since without interested parties involved COMDA will not be able to complete some of these actions. She reported that she had gone with Lori Hubble, Exam Coordinator, and Shari Mikolajczyk, RDH Assistant Chief Examiner, to observe the Western Regional Examining Board's Examiner Orientation and Calibration Session, held at USC in December.

Chair Wallace was also pleased to report that for the first time, there will be an RDH exam held in March.

### 5. Report of the Executive Officer

Executive Officer Wyant noted that according to the Governor's proposed reorganization plan, all the Boards in DCA will either be abolished or absorbed, noting that the authority over the Boards would be given to the Director of DCA. She reported that the Governor had submitted the plan to the Little Hoover Commission, who will make non-binding recommendations within 60 days. Thirty days after the plan was presented to the Little Hoover Commission, she noted that the plan may then go to

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Legislature, where if not changed or rejected by either body of the Legislature, will be effective July 1, 2005. She explained that only one body of the Legislature would be required to reject the plan, not both. She reported that COMDA is proceeding normally with its work.

She noted that the EF Exams have been completed in December and January, the RDA Practical exams will take place in February and the first 2005 RDH exam is scheduled for March 6<sup>th</sup>. She reported that she is moving forward with plans to implement the passage of SB 1546, noting that the packet contains the status of pending regulations, and that many others will be needed to implement SB 1546. She noted that the regulatory process may slow down since the Board's staff person responsible for regulations has left to take another position as of yesterday.

### **6. Legislation of Interest to COMDA**

#### **a. Clean Up Legislation to SB1546**

Executive Officer Wyant noted that this section reflects some of the problems identified in SB 1546, and what will be necessary to clean up the details of implementing the new structure. Senator Figueroa has agreed to carry clean-up legislation on this bill.

#### **b. Legislation Introduced in January, 2005**

Executive Officer Wyant reported that there was no new legislation of interest. Member Churchill asked how licensees will be defined, who will be an unlicensed dental assistant. Wyant noted that there were comments at the last meeting regarding those duties which had inadvertently been taken away from unlicensed dental assistants by SB 1546, and those duties will be added back in with the clean-up legislation. She continued that there will still be a classification of an unlicensed dental assistant, though the law will require that those individuals must complete courses in Radiation Safety and California law, Infection Control and CPR.

### **7. Review of RDA Educational Programs and Courses/Recommendations to the Board**

Chairperson Wallace reported that regarding RDA Pit and Fissure Sealant courses, Business and Professions Code 1777, enacted January 1, 2005 allows RDAs to apply Pit and Fissure Sealants in certain public health settings, upon providing evidence of having completed a Board-approved course in this function. The Board is also considering a change to regulation Section 1086, to allow RDAs to apply Pit and Fissure sealants in all settings after having provided evidence of completing a Board-approved course.

She further explained that the Board has already considered and adopted a regulation, 1070.3, that defines the requirements that providers of Pit and Fissure Sealant courses must meet to obtain Board approval, which is currently under review at DCA. COMDA has developed an application that directly reflects the provisions of the pending regulation and distributed it to interested parties. Three providers have submitted such courses, which are under review by educational consultants and will be reported upon at this meeting. If the consultants find that any of the courses meet the requirements of the new regulation, staff recommends that COMDA recommend Board approval and such approval will only be effective when Section 1070.3 becomes effective.

She noted that Sacramento City College, J Productions, Sacramento, and Dental Professionals of California in Merced have currently been submitted for approval, and any other programs that are ready for consideration by this meeting will also be presented today. Executive Officer Wyant noted that handouts have been provided from COMDA's educational consultants recommending approval of all three of the courses. It was M/S/P (Biggers/Churchill) to approve the Pit and Fissure Sealant courses

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given by Sacramento City College, J Productions, and Dental Professionals of California in Merced, contingent upon approval of regulation Section 1070.3. It was clarified that the courses may have to be re-reviewed if any substantive changes are made to the regulation.

## **8. Proposal to Establish Educational Program Quality Assurance Subcommittee**

Executive Officer Wyant noted that at the last meeting COMDA approved the Chair and Vice Chair LaDonna Drury-Klein to begin work on a proposal for COMDA's consideration to expand the review of educational programs. She reported that at this point there is only a Draft document that she and Vice Chair Drury-Klein have begun to work on, noting that a more complete proposal would be available for discussion at the next COMDA meeting. Chair Wallace commended the work done thus far and the number of programs offered, and she felt that the level of professionalism is raised accordingly.

## **9. Approval of Modified Text CCR Sections 1014 and 1014.1**

Executive Officer Wyant reported that the Board had adopted the regulation and took changes at the hearing, noting that this regulation is currently being considered at the Department, who indicated certain concerns regarding security issues and the fact that no parameters were included regarding the teaching methodology course.

Wyant reported that Vice Chair Drury-Klein had also noticed that COMDA had failed to eliminate the requirement for an on-site inspection of the facility, which would no longer be required once the proposed changes eliminating the darkroom requirement go into effect. She asked that COMDA recommend to the Board that those three changes be noticed via a 15 day notice to the public. She reported that the changes are only those highlighted on page 1 and page 2; specifically, 1) change the requirement of reporting the Social Security number to only the last four digits, 2) eliminate the requirement of an on-site inspection prior to approval of a Radiation Safety Program, and 3) specify what the teaching methodology must encompass. It was M/S/P (Biggers/Gipson) to recommend approval of the proposed changes and request that the Board provide a 15-day notice of the proposed changes.

## **10. Proposal to Establish Licensure by Credential for Dental Assistants**

Executive Officer Wyant asked that since she and Vice Chair Drury-Klein were not able to complete this item, that it be tabled until the next meeting.

## **11. Review of Dental School Courses for Soft Tissue Curettage, Local Anesthetic, and Nitrous Oxide/Recommendations to the Board**

Executive Officer Wyant asked that the item be tabled.

## **12. Review of All Auxiliary Fees**

Executive Officer Wyant reported that when the fee for dental students taking the RDH exam was approved at the last meeting, there were some questions regarding all auxiliary fees and that she had been asked to bring back additional information.

Noting that maximum fees are capped by statute, Wyant indicated that these figures are based on staff's estimates of time spent on each program, as COMDA has no minute by minute time management system. She directed the Committee's attention to the heading "Total Revenue", and at the fee if aligned with expenditure. This reflects fees that would need to be charged to reflect actual costs. She continued that currently fees have statutory maximums indicated, this is the maximum that

may be charged by law, without going to the Legislature to change the law.

She reported that the comparison of fees reflects that most fees are far below actual costs. She noted that regarding the RDHAP, the exam cost actually reflects many expenses associated with developing the detailed RDHAP written examination, which is no longer required. Those particular fees are somewhat skewed accordingly. Wyant reported that the renewal fees comprise the bulk of COMDA's revenue, noting that any changes to that fee can result in a skewing of revenue. She reported that the Legislature required COMDA to reduce fees a few years ago, due to too large a Reserve amount in our savings, indicating that COMDA is facing a reducing revenue balance at this time. Therefore she would not recommend reducing renewal fees.

Chair Wallace asked if there were any questions, or if any action should be taken. Member Dale suggested that no action be taken at this time, to wait until the end of the fiscal year. Kathy Mudge, CDA, noted that the estimates are not questioned; however CDA questioned the methodology for establishing the fee for Dental students taking the RDH Exam and the continuance of existing exam and renewal fees. She noted that it would take 20 years of license renewal fees to recover the cost of the examination. Executive Officer Wyant agreed, but noted that the maximum examination fee is statutory. She stated that COMDA can ask the Board to pursue a statutory change in this area, but supporting data would be required by the Legislature.

Jo Ann Galliano, CDHA, noted that it is not known at this time if additional funds are necessary. She noted that she is currently entering her 20<sup>th</sup> year of paying renewal fees, and there are more people paying for exams and paying renewal fees. She felt that more evidence was needed before raising fees, noting that COMDA has done well so far in having renewal fees cover those exam costs. Member Molina noted that this discrepancy is being discussed only because dental students are paying so much more. Galliano clarified that the provisions of the bill that allowed dental students to sit for the exam required that the exam fee be the actual cost of giving the exam.

Executive Officer Wyant noted that due to declining funds as outlined in page 2 of her handout, increasing renewal fees should be considered, and also increasing the exam fees to their statutory maximums. Wyant noted that this picture could change since there will be benefits due to some efficiencies that have been implemented. She reported that COMDA actually reverted \$300,000 last year in fees. Mudge asked COMDA to consider parity issues of fee discrepancies, and fairness, noting that she will talk to the bill's author.

Staff advised that they would bring back new data after the end of the current fiscal year.

### **13. Implementation of SB 1546: Dental Assisting Scopes of Practice**

Executive Officer Wyant noted that there is a lot of work to be done to implement SB1546. She indicated that these are the regulations that need to be changed or new regulations needed. She asked if in looking at new duty regulations, do we want to assume that the duties in statute will be those in effect on 1/1/07 and set those aside or add new duties at this time.

Kathy Mudge, CDA, felt that the intent of all scope of practice issues is to create statutes that allow regulatory leeway rather than list duties that can or cannot be done. She thought COMDA should identify the things people are questioning and then find out if those things fall into already existing definitions. Barbara Blade, The Alliance, agreed, noting that it took a long time to get to this point. The Alliance would like to see that process available, but spend our time now creating a workable framework as expeditiously as possible as 2007 is just around the corner.

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Wyant agreed, but with regard to allowable duties noted that COMDA made the decision at a previous meeting to recommend that the Board allow RDAs to apply Pit and Fissure sealants in all settings, not only in clinic settings, and that regulation will go forward separately.

Wyant noted that priority consideration must be given to developing regulations concerning each of the three specialty courses, and changing current regulations that govern the EF programs, and development of the examination component for the new EF duties. She envisions workshops being conducted soon, given the lengthy timeframe needed for regulations. She felt that the COMDA meeting in March could be used to outline and establish a template to bring to hearing. She noted that programs need to be started and instruction should be allowed to begin prior to the effective date of 1/1/07, otherwise there will be at least a year with no new licensees.

Barbara Blade, of the Alliance, stated that The Alliance supports the concept of separating discussion of the specialties from EF. Joan Greenfield, Sacramento City College suggested workshops prior to the next meeting, believing that clarification and focus could be achieved. Executive Officer Wyant noted that if Subcommittees were established, all COMDA members would not need to be present for each separate discussion, unless they wished to, adding that all members are more than welcome. However, she continued that if the specialty categories and the RDA, and also the EF each had two people that were responsible for that area it would be helpful. Member Molina asked if each specialty would require its own workshop, Wyant responded that not initially, but further on in the process this could be broken out into sub-specialties.

Chair Wallace felt that an overview should be developed before this happens. Wyant asked that members indicate their interest in those Subcommittees to the Chair. Kathy Mudge, CDA, asked that at least one dentist and one dental assistant be on each committee. Chair Wallace agreed to the request. Greenfield noted that some concerns can be easily clarified today with use of a whiteboard. Wyant agreed that this would be helpful, noting that the full COMDA board could be present at the workshops initially. Chair Wallace thanked Kathy Mudge, CDA, for a chart they had developed on the new categories.

Wyant noted that we will start with one of the specialties and go through the process of developing a regulation. Starting with Orthodontic Assistant, the statutes define allowable duties, unless the Board by regulation adds additional duties. She continued that the next step would be to determine a course outline, how many hours will be required, and then go over any questions. She noted that Ultrasonic Scaling and Coronal Polishing would be allowable duties, which now are certificate duties, meaning that only an RDA may perform this duty, and only upon completion of the course.

Blade, The Alliance, noted that there would be clarifications required – noting that the question will be with the cementation process, bonding is different than cementation. Member Biggers asked for clarification, Blade explained that most orthodontic appliances are bonded and cured, not cemented. This should be included in the course, but currently is not. Wyant noted that there may be people who have already taken Coronal Polishing or Ultrasonic Scaling courses, with the view toward becoming an RDA, will those courses be recognized by other specialty programs. Blade agreed that there should be a recognition mechanism in the specialty programs.

Wyant asked how long the course should be, this needs to be identified. Greenfield felt that many educators could come together and determine that, since many of the subject areas are currently taught. Blade noted that the Alliance represents approved providers throughout the state, we can go to the schools and ascertain the number of hours contained in each segment. Member Molina asked if having all these specialty categories will cost students even more than currently. She noted that some of her assistants had shared that they owe \$10,000 for their program, noting that she was shocked by

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these numbers. Blade noted that the cost of education should not be the consideration, it is not discussed in hygiene education or dentistry, and is not a factor that dictates regulations.

Wyant noted that whatever an RDA program currently costs, it can be taken in segments, and the cost would be less for the segments than for the entire program. Edmund Carolan, CDA, noted that a person could work and take one course at a time. Blade noted that the intent was not to create an RDA trained in all these categories, but rather individuals in those specialty categories who wished to become licensed. That choice would still be available, thereby creating multiple pathways for employment.

Wyant noted that some duties are duplicative, and there should be some mechanism to recognize that someone has already taken a subject from another provider. Blade asked Wyant to define the categories. Wyant noted that the specialty licenses are very similar to an RDA in that they are licensed and required to complete CE courses and renew every two years. She continued that the CE requirements will also need to be developed and amended toward all the specialty licenses. Blade asked if it could be similar to the EF, that these licensees only need to have 25 units not double. Wyant noted that a recommendation would need to be made as to the CE units required. Member Molina noted that there had been some discussion in the past regarding renewing each license, Chair Wallace clarified that each license must be renewed with the required fee, only the units are recognized as counting toward all licenses.

Member Dale asked if current RDAs will be required to take additional courses. Wyant noted that they will be able to perform all the duties without additional courses, other than sealants. If an RDA wishes to place sealants, they must take a board-approved course. She further clarified that someone who has completed all three specialty courses may then apply for the RDA license. In response to a question from Lori Gagliardi, Wyant noted that all the Ultrasonic courses as stand alone courses will not exist; they will be incorporated into the RDA programs.

Wyant noted that Radiation Safety is included within RDA duties, and that course would be required of all RDAs, but not necessarily of the specialty licenses unless they intend to take X rays. Blade clarified that also under the new law, if a person is a Dental Assistant, they must complete courses in Infection Control, California Law and Basic Life Support. Member Dale asked if existing RDAs would be able to perform all of the new duties under their license without further instruction. Wyant explained that all current RDAs will be able to perform all the new duties EXCEPT sealants, without any additional instruction. She continued that there will be two pathways to RDA licensure: Completion of the 3 specialty courses, AND completion of 12 months experience, and completion of a Radiation Safety Program, OR completion of a board-approved Registered Dental Assisting program. Wyant noted that the onus will then be on the practitioner to ensure that their staff is competent.

Wyant proceeded to the EF category, noting that a person will be able to go directly from the RRA category to the RRAEF, with instruction in the other two specialties. She stated that anyone who becomes licensed as an EF after 1/1/07, will be allowed to perform many other duties that are not allowed by current RDAEFs. Wyant noted that this will create two sets of RDAEFs, which may be addressed by the clean-up legislation, but otherwise it could possibly be addressed administratively by calling them RDAEF I and RDAEF II. Wyant noted that this need could be discussed at workshops.

Chair Wallace noted that her concern is that the individuals who would be able to be grandfathered into this category would not be instructed in the new functions. She felt that the confusion could compromise public protection, how can this be policed? Wyant clarified that only those EF's licensed after 1/1/07 would be able to perform the new duties without additional coursework and training. Greenfield noted it would be enforced in the same way someone doing illegal duties are currently enforced.

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Wyant noted that there must be education as to the date the statute changes, and anyone licensed must take and pass a written exam and a practical or clinical exam in order to be authorized to perform the new duties.

Wyant noted that RRAEF and RDAEF licenses both must have a regulation defining the criteria by which course approval will take place, develop regulations for a written and practical or clinical exam, and develop exams. Blade thought that if their scope of practice is identical, there could be one guideline for both, to which Wyant agreed.

Wyant reported that she had spoken with Legal Counsel about the logistics of clean-up legislation to allow the Board to approve all programs in advance of the date the legislation takes effect on 1/1/07. Legal Counsel Norine Marks stated that she could not say at this time, she would need time to consider the issue.

Greenfield noted that this is also the time to develop the challenge mechanisms for those people who have not yet achieved licensure when the exam goes away. Member Molina felt that if they had taken Coronal Polishing and Radiation Safety that should be recognized. Greenfield noted that it involves each provider's liability in accepting the course of another provider. Wyant noted that it could be written into the regulation to allow recognition of those two programs only, since they are currently recognized. She felt that other areas might be left up to the provider's discretion.

Wyant felt that perhaps the next COMDA meeting should be devoted predominantly to discussion of these issues, followed by regular COMDA business. Chair Wallace felt there was a consensus on this, so that will be the plan for next meeting.

## **14. Strategic Plan**

Executive Officer Wyant asked that this item be tabled to the next meeting.

## **15. Agenda Items for Future Meetings**

No new items.

## **16. Public Comment**

No public comment was received.

## **17. Adjournment**

The meeting adjourned at 2:30 p.m.